

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Confirmation No.: 4919

Orhan Kaya Koksalan

Art Unit: 1634

Application No.: 10/528,453

Examiner: Diana B. Johannsen

Filed: October 11, 2005

Attorney Dkt. No.: 027564-00004

For: MOLECULAR SIZE MARKERS FOR SPECIES IDENTIFICATION OF
MYCOBACTERIAE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 1, 2008

Sir:

In response to the Restriction Requirement set forth in the Office Action dated July 1, 2008, the Applicants hereby provisionally elect Group II, claims 8-14, drawn to a molecular size marker and methods for the production thereof, wherein the marker comprises fragments of 181, 161, 152, 139, 127, 103, 87, 69, 59, 58, 42, 40, 36 and 34 base pairs.

This election is made ***with traverse***.

Traversal of the restriction requirement is on the grounds that the burden on the Patent Office to examine both groups of claims together is less than the burden on Applicants to prosecute the groups of claims separately.

This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. Applicants reserve the right to file divisional applications on the non-elected subject matter.

Accordingly, timely examination and favorable action on the claims is respectfully requested.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300 referencing docket number 027564-00004.

Respectfully submitted,

A handwritten signature in cursive script, reading "Dawn C. Russell", is written over a horizontal line.

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